

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1298

- Applicants** : Ms. Yeung Pik Yuk and Mr. Cheung Yee Sang represented by Metro Planning and Development Company Limited
- Site** : Lot 1190 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
- Site Area** : 950 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission for temporary warehouse for storage of construction materials for a period of three years at the application site (the Site) zoned “U” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, all uses or developments within the “U” zone except those specified in the Notes require planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced-off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the southern part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**). According to the applicants, the applied use is for storage of construction materials (i.e. tiles). Two single-storey structures (not exceeding 3m to 9m in height) with a total floor area of 690m² will be provided for warehouse, site office and toilet uses. One loading/unloading space for light goods vehicle is provided. No workshop activity will be carried out at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed to enter the Site. Plans showing the vehicular access leading to the Site, site layout and drainage proposal submitted by the applicants are at **Drawings A-1 to A-3** respectively.

1.3 The major development parameters of the application are summarised as follows:

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|---------------------------------|---|
| Site Area | About 950 m ² |
| Total Floor Area (Non-domestic) | Not more than 690 m ² |
| No. and Height of Structures | 2 • for warehouse, toilet and site office (3 – 9m, 1 storey) |
| No. of Parking Space | Nil |
| No. of Loading/ Unloading Space | 1 (for light goods vehicle) (7m x 3.5m) |
| Operation Hours | 9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays |

1.4 In support of the application, the applicants have submitted an Application Form with attachments received on 30.12.2024 (**Appendix I**).

2. **Justifications from the Applicant**

The justifications put forth by the applicants in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the applicants intend to regularise the applied use currently found on the Site;
- (b) the applied use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No.13G);
- (c) the temporary use under application would not jeopardise the long-term planning intention of the Site;
- (d) a number of open storage and port back-up uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to those of the Site. The applied use is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up use in TYST area; and
- (e) there will be minimal traffic, environmental, noise and drainage impacts arising from the applied use.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The storage use at the Site is a suspected unauthorized development (UD) which would be subject to planning enforcement action.

5. **Previous Application**

There is no previous planning application concerning the Site.

6. **Similar Applications**

- 6.1 A total of 76 similar planning applications for various temporary warehouse uses with/without other uses within/straddling the subject “U” zone had been considered by the Rural and New Town Planning Committee (the Committee) in the past five years. Details of these similar applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 6.2 Out of the 76 similar applications, 75 were approved by the Committee between 2020 and 2024 mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardise the long-term development of the area; and the departmental concerns could be addressed by imposing approval conditions. However, the planning permissions for 23 of them were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining application was rejected by the Committee in 2021 on the grounds that approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar planning applications for temporary uses, thus nullifying the statutory planning control system.
- 6.4 For Members’ information, applications No. A/YL-TYST/1279 (for temporary warehouse for storage of electronic parts, construction materials and vehicle parts for a period of three years), A/YL-TYST/1293 (for proposed temporary warehouse for storage of general goods for a period of three years), A/YL-TYST/1299 (for temporary warehouse for storage of non-staple food for a period of three years), A/YL-TYST/1300 (for temporary warehouse for storage of exhibition materials for a period of three years) and A/YL-TYST/1301 (for temporary warehouse for storage of vehicle parts and general goods for a period of three years) within the subject “U” zone will also be considered at this meeting (**Plan A-1**).

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-4)

- 7.1 The Site is:
 - (a) accessible from Kung Um Road via a local track (**Plans A-2 and A-3**); and
 - (b) paved, fenced off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):
 - (a) comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, unused land and vacant land/structures;

- (b) there are residential structures in the vicinity of the Site with the nearest one located about 15m to its south; and
- (c) some warehouses and open storage/storage yards are covered with valid planning permissions while some of the other uses in the vicinity are suspected UD's subject to planning enforcement action.

8. Planning Intention

- 8.1 The planning intention of the "U" zone is to cater for the continuing demand for open storage which cannot be accommodated in conventional godown premises. Any proposed developments within the zone should demonstrate that they will not have significant traffic, drainage and environmental impacts on the area.
- 8.2 According to the Explanatory Statement of the OZP, under the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation", this area falls within the remaining stages of the YLS Development and the existing operations would be gradually phased out in stages.

9. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III** and **IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 7.1.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of construction materials for a period of three years at the Site zoned "U" on the OZP. The applied use is generally not in conflict with the planning intention of the "U" zone. The area is designated as "U" zone mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport (C for T) has no adverse comment on the application. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls within an area partly zoned "Residential – Zone 2" and "Local Open Space" under the Third Phase of YLS Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of Planning Department (PlanD) and Project Manager (West) of Civil Engineering and Development Department have no objection to the application. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area.
- 11.2 The surrounding areas of the Site comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, unused land and vacant land/structures (**Plans A-2** and **A-3**). While there are

scattered residential structures in the vicinity, the applied use is generally not incompatible with the surrounding uses.

- 11.3 Concerned government departments consulted, including C for T, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. Relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicants will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise possible environmental nuisance on the surrounding areas.
- 11.4 Given that 75 similar applications within/straddling the subject “U” zone have been approved in the past five years, approval of the current application is generally in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 28.2.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.8.2025;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.11.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.8.2025;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.11.2025;

- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

12.3 There is no strong reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

14. Attachments

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| Appendix I | Application Form with attachments received on 30.12.2024 |
| Appendix II | Similar Applications |
| Appendix III | Government Departments' General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Drawing A-1 | Vehicle Access Plan |
| Drawing A-2 | Proposed Layout Plan |
| Drawing A-3 | Proposed Drainage Plan |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
FEBRUARY 2025**